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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

LINCOLN INN, LLC, formerly known as LIN
PROPERTIES, LLC, a California limited liability
company; BETTY C. LIN, individually and as a
manager or member of Lincoln Inn, LLC;
CHRISTOPHER YALE LIN, individually and as a
member or manager of Lincoln Inn, LLC; and
DOES 1 through 50, inclusive,

Defendants.

Case No.:

19STCV11070

**COMPLAINT FOR ABATEMENT AND
INJUNCTION**

[Health and Safety Code section 11570,
et seq.; Civil Code section 3479, *et seq.*;
Business and Professions Code section
17200, *et seq.*]

(Unlimited Action)

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action ("Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People" or "Plaintiff"), to abate an ongoing narcotics and general public nuisance that exists at the Lincoln Inn, a 30-room motel located at 2447 Lincoln Boulevard, in Venice, California (the "Property" or "Motel"), alongside a residential neighborhood and just steps away from two elementary schools—St. Mark Elementary School, which lies within 100 feet of the Motel, and Coeur D'Alene Elementary School, which

1 lies within 858 feet of the Motel. Los Angeles Police Department ("LAPD") officers have
2 identified the Motel as one of the most active narcotics hotspots—if not the most active
3 narcotics hotspot—within LAPD's Pacific Division. The above-captioned defendants have
4 owned and/or managed the Property for over 17 years, and through derelict management or
5 disregard have created or facilitated or permitted the creation of an intractable nuisance at the
6 Motel that has imperiled public safety. The People bring this Action pursuant to the Narcotics
7 Abatement Law, California Health and Safety Code section 11570, *et seq.* ("NAL"); the Public
8 Nuisance Law, California Civil Code section 3479, *et seq.* ("PNL"); and the Unfair Competition
9 Law, California Business and Professions Code section 17200, *et seq.* ("UCL").

10 2. The Motel, owing to its disorderly operation and a lack of oversight on
11 management's part, has long been and remains an epicenter of violent crime and drug activity
12 within the community. The crime emanating from the Property has marred the quality of life
13 for the surrounding neighborhood, eliciting frequent complaints from community members,
14 local businesses, and law-abiding guests who have been preyed upon or victimized by
15 loiterers or other Motel occupants. Drugs of all type are regularly sold, stored, and used in
16 one or more rooms at the Motel, as well as in the Motel's underground parking lot.
17 Documented gang members—including members or associates of the notorious Shoreline
18 Crips—have also been arrested multiple times for crimes committed at the Motel.

19 3. The aforementioned criminal activity at the Property—which, again, sits
20 perilously close to two elementary schools—has been ongoing since at least 2002 to the
21 present, and consists of but is not limited to the following: the possession and sale of
22 narcotics; rape and sexual assault; battery; robbery; prostitution; pimping; maintaining a
23 disorderly house; assault with a deadly weapon; criminal threats; grand theft; vandalism;
24 brandishing a weapon; and burglary. Since 2002, over 115 documented criminal incidents
25 have occurred at the Property. LAPD officers have also recovered unlawfully possessed
26 firearms from the Motel.

27 4. The narcotics activity, in particular, has been a longstanding fixture at the Motel,
28 and it remains rampant. From 2002 to the present, LAPD officers have made numerous

1 arrests at the Property for the possession, sale, and possession for sale of narcotics and have
2 repeatedly recovered crystal methamphetamine, powder and rock cocaine, black tar heroin,
3 and other controlled substances from rooms within the Motel. According to LAPD narcotics
4 officers, drug dealers commonly book multiple rooms at a time and brazenly sell an
5 assortment of drugs from those rooms. On various occasions, occupants have also been
6 found dead within their rooms after having apparently overdosed on drugs.

7 5. Two recent incidents demonstrate that the Motel is a veritable narcotics
8 marketplace. On or about December 13, 2018, LAPD officers arrested two suspects for
9 storing and selling narcotics from a room at the Motel, and upon conducting a detailed search
10 of the room recovered large quantities of the following controlled substances: crystal
11 methamphetamine (contained in small baggies and Ziploc bags); black tar and brown heroin;
12 powder cocaine; oxycodone; phencyclidine (PCP); dextroamphetamine; hydrocodone;
13 alprazolam (Xanax); and naloxone (an opioid antagonist, used for reversing the effects of an
14 opioid overdose). The officers also recovered a loaded .380 pistol and live ammunition,
15 together with blank prescription forms from a nearby surgical office, several credit cards, a
16 digital scale, a metal crank, and \$3,697 in U.S. currency and counterfeit bills. On or about
17 December 15, 2018, LAPD arrested another occupant for the possession for sale of narcotics
18 and recovered considerable quantities of fentanyl, crystal methamphetamine, alprazolam,
19 dextroamphetamine, and sealed Suboxone strips from that suspect's room.

20 6. Unsurprisingly, the Motel has a reputation within the community as being a
21 magnet for narcotics sales, prostitution, gang activity, and other blight. Nowhere is this
22 reputation better illustrated than in social media reviews online, including those on Yelp. In
23 2010, one reviewer grimly remarked, "Between the prostitution and gang activity and my
24 broken door jam I couldn't stay . . . this place is a human sewer." In April 2018, another
25 reviewer complained about "blood stains on the carpet." The reviewer observed that the
26 Motel is "not even safe to take a prostitute here beware pimps," and that he "wouldn't even
27 smoke crack here rather do it in an alley." In February 2018, another reviewer complained
28 about "drug deals and prostitution on the premises." The Yelp reviews largely focus on the

1 crime-ridden nature of the Property, but many guests have complained about the presence of
2 vermin in the rooms, including cockroaches and bed bugs, and have posted pictures to this
3 effect on Yelp. Community members have likewise made anonymous reports to LAPD about
4 the sale and use of narcotics at the Motel.

5 7. The nuisance at the Property has imposed an inordinate strain on law
6 enforcement resources, and the Property is widely known among officers assigned to LAPD's
7 Pacific Division as a persistent source of crime and blight. LAPD officers routinely observe
8 signs of narcotics activity at the Property, and even passersby have reported seeing
9 suspicious hand-to-hand transactions conducted between occupants of the Motel from back
10 windows facing Coeur D'Alene Avenue or the nearby alleyway and individuals loitering
11 immediately outside those windows.

12 8. The above-captioned defendants own, control, and manage—either directly or
13 through their agents—the Motel business and the underlying real property thereon.
14 Defendant LINCOLN INN, LLC, formerly known as Lin Properties, LLC ("Defendant Lincoln
15 Inn" or "Lincoln, LLC"), has held title to and managed the Property from December 20, 2001,
16 to the present. Defendants BETTY C. LIN ("Defendant Betty Lin") and CHRISTOPHER YALE
17 LEE ("Defendant Christopher Lee") (collectively, the "Lin Defendants") have served as
18 Lincoln, LLC's managers or members from at least December 20, 2001, to the present.
19 (Defendant Lincoln Inn and the Lin Defendants will hereinafter be collectively referred to as
20 "Defendants"). As the sole managers or members listed on Lincoln, LLC's most recent
21 Statements of Information filed with the California Secretary of State, the Lin Defendants
22 exercise complete control and authority over the Motel.

23 9. Because of the open and obvious nature of the above-described narcotics and
24 other criminal activity, Defendants knew or should have known—either directly or through
25 their subordinates—of the ongoing nuisance at the Motel. A night manager was arrested at
26 the Motel on two separate occasions for maintaining a disorderly house (i.e., knowingly
27 renting out rooms for the purpose of prostitution). On another occasion, a manager advised a
28 guest to avoid contact with a known drug dealer who resided at the Motel. Even community

1 members have complained to management about the prevalence of narcotics activity at the
2 Property. Despite these and other complaints, Defendants have stood idly by and allowed
3 their Motel to become a haven for drug sales and other criminal acts.

4 10. Among other remedies sought in this Action, the People seek an order from the
5 Court compelling the Lin Defendants to reside at the Property until the nuisance is abated
6 pursuant to Health and Safety Code section 11573.5, subdivision (f)(1)(H). The Lin
7 Defendants must play a far more robust and proactive role in operating their Motel. Requiring
8 them to live there, as authorized under section 11573.5, should incentivize them to make long
9 overdue improvements and ultimately manage the Property in a responsible manner.

10 11. In sum, Defendants' gross lack of oversight and failure to implement adequate
11 remedial measures and other managerial "best practices" have caused the Property to
12 become a narcotics bastion. Through this Action, the People seek to compel Defendants to
13 reform and rehabilitate the Property, so as to protect the health and safety of both the
14 Property's law-abiding inhabitants and members of the surrounding community.

15 II. THE PARTIES AND THE PROPERTY

16 A. Plaintiff

17 12. Plaintiff, the People, is the sovereign power of the State of California designated
18 in Health and Safety Code section 11571, Code of Civil Procedure section 731, and Business
19 and Professions Code section 17204—which specifically authorizes the city attorney of any
20 city with a population in excess of 750,000, like the City of Los Angeles, to bring a UCL action
21 in the People's name—to be the complaining party in law enforcement actions brought to
22 abate, enjoin, and penalize narcotics nuisances, public nuisances, and unfair competition,
23 respectively.

24 B. Defendants

25 13. Defendant Lincoln Inn, a California limited liability company (entity number
26 200124810026), is the record owner of the real property located at 2447 Lincoln Boulevard,
27 Los Angeles, California 90291, and has continuously owned it since December 20, 2001.
28 Defendant Lincoln Inn was previously known as Lin Properties, LLC, but changed its name to

1 Lincoln Inn, LLC on or about May 16, 2016, according to documents filed with the California
2 Secretary of State.

3 14. Defendant Betty Lin serves as a member or manager of Lincoln, LLC, and has
4 served in this capacity since at least December 20, 2001. Defendant Betty Lin also serves as
5 Lincoln, LLC's agent for service of process.

6 15. Defendant Christopher Lin, who may be Defendant Betty Lin's son, serves as a
7 member or manager of Lincoln, LLC and has served in this capacity since at least December
8 20, 2001.

9 16. The People are informed and believe, and upon such information and belief
10 allege, that the Lin Defendants exercise overall control and authority over Lincoln, LLC and by
11 extension the Property, including decision-making authority to make capital improvements at
12 the Property and manage and oversee the Motel's operation. In other words, the Lin
13 Defendants occupy a position of responsibility within Lincoln, LLC such that they are able to
14 influence, control, or ratify corporate policies or activities concerning the Property. Further,
15 Plaintiff is informed and believes, and upon such information and belief alleges, that the Lin
16 Defendants had, by reason of their positions as corporate officers, managers, members, or
17 agents of Defendant Lincoln Inn, responsibility and authority to prevent in the first instance, or
18 promptly correct, the dangerous narcotics-related public nuisance that has existed at the
19 Property for more than a decade now. Collectively, Defendants' actions or inactions
20 facilitated the existence of the public nuisance at the Property.

21 17. The true names and capacities of defendants sued herein as Does 1 through
22 50, inclusive, are unknown to the People, who therefore sue said defendants by such fictitious
23 names. Each such defendant is responsible in some manner for conducting, maintaining, or
24 directly or indirectly permitting the unlawful activities and acts complained of herein. When
25 the true names and capacities of said defendants have been ascertained, the People will ask
26 leave of the court to amend this complaint and to insert in lieu of such fictitious names the true
27 names and capacities of said fictitiously named defendants.

28 ///

1 **C. The Property**

2 18. The Property consists of a 30-unit motel located at the commonly known
3 address of 2447 Lincoln Boulevard, Los Angeles, California 90291, in the neighborhood of
4 Venice. The Property is located on the south side of Lincoln Boulevard, right on the corner of
5 Coeur D'Alene Avenue, and has an underground parking lot. The Property has a reputation
6 in the community and among law enforcement officers as a being hotbed of narcotics activity,
7 including both narcotics sales and use.

8 19. The legal description of the Property is as follows: "The Southeasterly 25 feet of
9 Lot 5 and all of Lots 6 and 7 of Tract No. 1112, in the City of Los Angeles, County of Los
10 Angeles, State of California, as per Map recorded in Book 17, Page 120 of Maps, in the Office
11 of the County Recorder of said County." The Assessor's Parcel Number for the Property is
12 4237-017-019.

13 **III. NARCOTICS ABATEMENT LAW**

14 20. The abatement of a nuisance is a long established and well-recognized exercise
15 of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App.770, 775; *People ex rel.*
16 *Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the
17 principal purpose of the NAL is the abatement of buildings and places "used for the purpose
18 of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled
19 substance, precursor, or analog specified in this division" (Health & Saf. Code § 11570.)

20 21. The NAL provides that every building or place used for the purpose of unlawfully
21 selling, serving, storing, keeping, manufacturing, or giving away any controlled substance,
22 precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and
23 prevented . . . whether it is a public or private nuisance." (Health & Saf. Code § 11570
24 [emphasis added]; *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v.*
25 *Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

26 22. Health and Safety Code section 11571 authorizes a city attorney to bring an
27 action to abate, prevent, and perpetually enjoin such nuisances. It provides in relevant part:
28 "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept,

1 maintained, or exists in any county, the district attorney of the county, or the city attorney of
2 any incorporated city or of any city and county, in the name of the people, may . . . maintain
3 an action to abate and prevent the nuisance and perpetually to enjoin the person conducting
4 or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the
5 nuisance exists from directly or indirectly maintaining or permitting the nuisance."

6 23. Health and Safety Code section 11573, subdivision (a) provides that: "If the
7 existence of the nuisance is shown in the action to the satisfaction of the court or judge, either
8 by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order
9 or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis
10 added.) In addition, Health and Safety Code section 11581 provides, as an additional
11 remedy, for the removal and sale of all fixtures and movable property on the premises used in
12 aiding and abetting the nuisance and for the closure of the building for up to one year.

13 IV. THE PUBLIC NUISANCE LAW

14 24. Civil Code section 3479 defines a public nuisance as "[a]nything which is
15 injurious to health, including, but not limited to, the illegal sale of controlled substances, or is
16 indecent or offensive to the senses, or an obstruction to the free use of property, so as to
17 interfere with the comfortable enjoyment of life or property. . . ." (See *City of Bakersfield v.*
18 *Miller* (1966) 64 Cal.2d 93, 99 ["The Legislature has defined in general terms the word
19 'nuisance' in Civil Code section 3479. . . ."].)

20 25. Civil Code section 3480 defines a public nuisance as "one which affects at the
21 same time an entire community or neighborhood, or any considerable number of persons,
22 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

23 26. In particular, gang activity, such as drug dealing, loitering, the consumption of
24 alcohol and illegal drugs, and boisterous conduct which creates a "hooligan-like atmosphere"
25 constitutes a public nuisance. (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

26 27. Civil Code section 3491 provides that the "remedies against a public nuisance
27 are indictment or information, a civil action or abatement." Abatement is "accomplished by a
28 court of equity by means of an injunction proper and suitable to the facts of each case."

1 (*Sullivan v. Royer* (1887) 72 Cal. 248, 249.)

2 28. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
3 to enjoin or abate a public nuisance. It provides in relevant part “[a] civil action may be
4 brought in the name of the people of the State of California to abate a public nuisance . . . by
5 the city attorney of any town or city in which such nuisance exists.”

6 **V. UNFAIR COMPETITION LAW**

7 29. The practices forbidden by the Unfair Competition Law, codified at Business and
8 Professions Code section 17200, *et seq.*, include any practices forbidden by law, be it
9 criminal, federal, state, municipal, statutory, regulatory, or court-made. As the California
10 Supreme Court has explained, the UCL “‘borrows’ violations of other laws and treats them as
11 unlawful practices independently actionable under section 17200 *et seq.*” (*South Bay*
12 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 [internal
13 citations omitted]).)

14 30. As proscribed by the UCL, “[a]n ‘unlawful business activity’ includes anything
15 that can properly be called a business practice and that at the same time is forbidden by law.”
16 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) Moreover, the UCL casts a broad net. “Any
17 person performing or proposing to perform an act of unfair competition may be enjoined”
18 (Bus. & Prof. Code § 17203; emphasis added.) The term “person” includes “natural persons,
19 corporations, firms, partnerships, joint stock companies, associations and other organizations
20 of persons.” (Bus. & Prof. Code § 17201.) The courts have expanded section 17200’s net
21 beyond direct liability to include common law doctrines of secondary liability where the liability
22 of each defendant is predicated on his or her personal participation in the unlawful practices.
23 (*People v. Toomey* (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int’l Service Ass’n* (2002) 95
24 Cal.App.4th 952, 960.)

25 31. Civil actions under the UCL may be brought in the name of the People of the
26 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
27 & Prof. Code § 17204), such as the City of Los Angeles. A public entity can sue under
28 section 17200 based on violations of municipal or state law. (*People v. Thomas Shelton*

1 *Powers, M.D., Inc.* (1992) 2 Cal.App.4th 330, 338-339.)

2 32. Defendants that violate the UCL may be enjoined in any court of competent
3 jurisdiction. (Bus. & Prof. Code § 17203.) A court may make such orders or judgments,
4 including those appointing a receiver, as may be necessary to prevent the use or employment
5 by any person of any practice constituting unfair competition. (*Id.*)

6 33. Although no case has specifically been called upon to define the term “business”
7 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
8 as to affect its broad remedial purposes. (See, e.g., *Barquis v. Merchants Collection Ass’n*
9 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
10 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.
11 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
12 to section 17200 make clear that even a single act of misconduct can constitute a violation of
13 the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

14 34. The ownership and operation of a motel is a business. (See *Clark v. City of San*
15 *Pablo* (1969) 270 Cal.App.2d 121, 125.) Thus, when a landowner conducts, maintains, or
16 permits the existence of a nuisance on the premises of such a business in violation of the NAL
17 or PNL, the landowner has also violated the UCL. (See *San Francisco v. Sainez* (2000) 77
18 Cal.App.4th 1302, 1323.)

19 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

20 **[Health and Safety Code Section 11570, et seq. --**

21 **Against Defendants and Does 1 through 50]**

22 35. Plaintiff incorporates paragraphs 1 through 34 above as if fully alleged herein.

23 36. From at least February 2002 to the present, the Property has been used for the
24 purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away
25 controlled substances, or alternatively is a building or place wherein or upon which those acts
26 have taken and continue to take place in violation of Health and Safety Code section 11570,
27 et seq. Throughout this period, LAPD officers have made numerous narcotics arrests at the
28 Property, with the most recent arrest occurring on February 27, 2019. The Motel has a well-

1 known reputation within the community as a place where drugs are bought and sold. The
2 narcotics-related nuisance at the Property remains ongoing.

3 37. Defendants, who own and oversee the Motel, and Does 1 through 50 are
4 responsible for conducting, maintaining, or directly or indirectly permitting the narcotics-
5 related nuisance as alleged herein. Plaintiff has no plain, speedy, and adequate remedy at
6 law and unless Defendants and Does 1 through 50 are restrained and enjoined by order of
7 this Court, they will continue to use, occupy, and maintain or permit, directly or indirectly, the
8 use, occupation, and maintenance of the Property for the nuisance complained of herein, in
9 violation of California law and to the great and irreparable damage of the public.

10 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

11 **[Civil Code Section 3479, et seq. --**

12 **Against Defendants and Does 1 through 50]**

13 38. Plaintiff incorporates Paragraphs 1 through 37 above as if fully alleged herein.

14 39. From at least 2002 to the present, the Property has been used or occupied in
15 such a manner as to constitute a public nuisance in violation of Civil Code sections 3479 and
16 3480. The public nuisance consists of narcotics activity and other criminal incidents that
17 continue to occur on an ongoing basis, including but not limited to the following: narcotics
18 sales that attract narcotics users and buyers to the Motel; assault with a deadly weapon; rape
19 and sexual assault; battery; prostitution; pimping; maintaining a disorderly house; criminal
20 threats; robbery; burglary; theft; vandalism; brandishing a weapon; and criminal threats.
21 Since February 2002, over 115 documented criminal incidents have occurred at the Property.
22 Law enforcement officers have also recovered firearms and live ammunition and magazines
23 from the Motel, including most recently in December 2018.

24 40. Since at least 2002 to the present, Defendants and Does 1 through 50 have
25 owned, used, operated, or occupied the Property, or have directly or indirectly permitted the
26 use, operation, or occupation of the Property, in a manner that has given rise to a public
27 nuisance, and are thus liable. The public nuisance, as described herein, is injurious to health,
28 indecent or offensive to the senses, or an obstruction to the free use of property, so as to

1 substantially and unreasonably interfere with the comfortable enjoyment of life or property by
2 those persons living in the surrounding community. Defendants, who own or control the
3 Property, and Does 1 through 50 knew or should have known of the nuisance, but
4 nevertheless failed to take reasonable steps to prevent or abate it. As a result of this failure
5 and their mismanagement of the Property, they have caused or contributed to a serious threat
6 to the safety and welfare of the law-abiding tenants at the Property and persons in the
7 surrounding community.

8 41. Unless Defendants and Does 1 through 50 are restrained and enjoined by order
9 of this Court, they will continue to use, occupy, and maintain or permit, directly or indirectly,
10 the use, occupation, and maintenance of the Property for the purpose complained of herein,
11 in violation of California law and to the great and irreparable damage of the public.

12 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

13 **[Business and Professions Code Section 17200, et seq. --**

14 **Against Defendants and Does 1 through 50]**

15 42. Plaintiff hereby incorporates paragraphs 1 through 41 above as if fully alleged
16 herein.

17 43. The ownership and operation of a motel, like that owned or operated by
18 Defendants at the Property, is a business. When the owner of such a business violates the
19 NAL or PNL such that a nuisance exists and flourishes at the business's premises, as alleged
20 herein, it is also a violation of the UCL.

21 44. Defendants have violated the UCL by engaging in the following unlawful or
22 unfair business acts and practices: (1) conducting, maintaining, or permitting, directly or
23 indirectly, narcotics activity at the Property in violation of the NAL; and (2) conducting,
24 maintaining, or permitting, directly or indirectly, narcotics and other criminal or general public
25 nuisance activity at the Property in violation of the PNL, as alleged herein.

26 45. Plaintiff has no adequate remedy at law, and unless Defendants are restrained
27 by this Court they will continue to commit unlawful or unfair business practices or acts,
28 thereby causing irreparable injury and harm to the public's welfare.

PRAYER

WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND DECREE AS FOLLOWS:

AS TO THE FIRST CAUSE OF ACTION:

1. That Defendants, Does 1 through 50, and the Property, including all buildings and structures thereon, be declared in violation of Health and Safety Code section 11570, *et seq.*

2. That the Property, together with the fixtures and moveable property therein and thereon, be found to constitute a public nuisance and be permanently abated as such in accordance with Health and Safety Code section 11581.

3. That the Court grant a preliminary injunction, permanent injunction, and order of abatement in accordance with Health and Safety Code section 11570, *et seq.*, enjoining and restraining Defendants and their agents, officers, directors, members, managers, grantees, lessees, assigns, transferees, heirs, successors-in-interest, employees, and anyone acting on their behalf from unlawfully selling, serving, storing, keeping, manufacturing, or giving away controlled substances, or directly or indirectly permitting the same, at the Property.

4. That the court order physical and managerial improvements to the Property in accordance with Health and Safety Code section 11573.5, and such orders as are otherwise appropriate, to remedy the nuisance at the Property and enhance the abatement process, including but not limited to, implementation of the following: a remotely monitorable surveillance system accessible by LAPD, providing sufficient coverage of the Motel's common areas, including the hallways, front desk, parking lot, and all adjacent alleyways; enhanced lighting; procedures for screening prospective tenants and guests; improved access control in the Motel's common areas and entryways; the retention of armed, licensed security guards to provide onsite security at the Property, up to 24 hours per day, seven days a week; a prohibition on loitering; a prohibition on occupancy or entry onto the Property by known drug dealers or individuals previously arrested at the Property; the eviction of any known drug dealers residing at the Motel; the adoption of house rules for tenants and guests; a prohibition

1 on "walk-up" or same-day reservations; proper maintenance of the Motel's registry, including
2 use of an online or electronic registry; the assignment of parking spaces and decals to tenants
3 with vehicles; and the removal of any trash, debris, or source of contamination or infestation
4 at the Motel.

5 5. That the Lin Defendants be ordered to reside at the Property until the nuisance
6 is abated, pursuant to Health and Safety Code section 11573.5, subdivision (f)(1)(H).

7 6. That as part of the judgment, an order of abatement be issued, and that the
8 Property be closed for a period of one year, not to be used for any purpose, and that it be
9 placed under the control and custody of this Court for said period of time; or, in the alternative,
10 if the Court deems such closure to be unduly harmful to the community, that Defendants and
11 Does 1 through 50 pay an amount equal to the fair market rental value of the Property for one
12 year to the City or County in whose jurisdiction the nuisance is located in accordance with
13 Health and Safety Code section 11581, subdivision (c)(1); and that an officer or director of
14 Defendants be ordered to reside at the Property until the nuisance alleged herein is abated.

15 7. That Defendants and Does 1 through 50 each be assessed a civil penalty in an
16 amount not to exceed twenty-five thousand dollars (\$25,000).

17 8. That all fixtures and moveable property used in conducting, maintaining, directly
18 or indirectly permitting, or aiding and abetting the nuisance at the Property be removed by
19 LAPD and sold in the manner provided for the sale of chattels under execution. Said fixtures
20 and property shall be inventoried and a list prepared and filed with this Court.

21 9. That there shall be excepted from said sale such property to which title is
22 established in some third party not a defendant or agent, officer, employee, or servant of any
23 defendant in this proceeding.

24 10. That the proceeds from said sale be deposited with this Court for payment of the
25 fees and costs of sale. Such costs may include: costs incurred in closing said Property and
26 keeping it closed; costs incurred in removing said property; Plaintiff's costs incurred in the
27 Action, including attorneys' fees; and such other costs as this Court shall deem just and
28 proper.

1 11. That if the proceeds of the sale do not fully discharge all such costs, fees, and
2 allowances, the Property shall also be sold under execution issued upon the order of the
3 Court and the proceeds of such sale shall be applied in a like manner. Any excess monies
4 remaining after payment of approved costs shall be delivered to the owner of said Property.
5 Ownership shall be established to the satisfaction of this Court.

6 12. That Defendants and Does 1 through 50, together with their agents, officers,
7 directors, members, managers, grantees, lessees, transferees, successors-in-interest,
8 employees, and anyone acting on their behalf, and their respective heirs and assigns, be
9 perpetually enjoined from transferring, conveying, or encumbering any portion of the Property,
10 for consideration or otherwise, without first obtaining the Court's prior approval.

11 13. That Defendants and Does 1 through 50 be ordered to notify immediately any
12 prospective transferees, purchasers, commercial lessees, or other successors-in-interest to
13 the subject Property of the application for or existence of any temporary restraining order,
14 preliminary injunction, or permanent injunction against Defendants or Does 1 through 50,
15 *before* entering into any agreement to sell, commercially lease, or transfer any portion of the
16 Property, for consideration or otherwise.

17 14. That Defendants and Does 1 through 50 be ordered to immediately give a
18 complete, legible copy of any temporary restraining order, preliminary injunction, or
19 permanent injunction entered against Defendants to all prospective transferees, purchasers,
20 commercial lessees, or other successors-in-interest to the Property.

21 15. That Defendants and Does 1 through 50 be ordered to (1) immediately request
22 and procure signatures from all prospective transferees, purchasers, lessees, or other
23 successors-in-interest to the subject Property, acknowledging their respective receipt of a
24 complete, legible copy of any temporary restraining order, preliminary injunction, or
25 permanent injunction entered against Defendants, and (2) deliver a copy of such
26 acknowledgment to the Los Angeles City Attorney's Office, c/o Deputy City Attorney Rahi
27 Azizi or his designee.

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1 16. That Plaintiff recover the costs of this Action, including law enforcement
2 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
3 \$1,000,000, from Defendants and Does 1 through 50, jointly and separately.

4 AS TO THE SECOND CAUSE OF ACTION

5 1. That the Property, together with the fixtures and moveable property therein and
6 thereon, be declared a public nuisance and be permanently abated as such in accordance
7 with Civil Code section 3491.

8 2. That Defendants and their agents, officers, directors, members, managers,
9 grantees, lessees, transferees, successors-in-interest, employees, and anyone acting on their
10 behalf, and their respective heirs and assigns, be preliminarily and perpetually enjoined from
11 operating, managing, maintaining, occupying, using, or directly or indirectly permitting the use
12 of the Property in such a manner that constitutes or gives rise to a public nuisance. Such
13 orders should include but not be limited to physical and managerial improvements to the
14 Property, the appointment of a receiver to carry out the Court's orders, and such other orders
15 as are appropriate to remedy the nuisance at the Property and enhance the abatement
16 process.

17 3. That Plaintiff be awarded such costs as may occur in abating said nuisance at
18 the Property and such other costs as the Court shall deem just and proper.

19 4. That Plaintiff be granted such other and further relief as the Court deems just and
20 proper, including closure and/or demolition of the Property.

21 AS TO THE THIRD CAUSE OF ACTION

22 1. That Defendants be declared in violation of Business and Professions Code
23 section 17200.

24 2. That Defendants and their agents, officers, directors, members, managers,
25 grantees, lessees, transferees, successors-in-interest, employees, and anyone acting on their
26 behalf, and their respective heirs and assigns, be permanently enjoined from committing,
27 maintaining, or directly or indirectly permitting any unlawful or unfair business acts or
28 practices in violation of Business and Professions Code section 17200.

1 3. That the Court grant a preliminary and/or permanent injunction prohibiting
2 Defendants and their agents, officers, directors, members, managers, grantees, lessees,
3 transferees, successors-in-interest, employees, and anyone acting on their behalf, and their
4 respective heirs and assigns, from engaging in the unlawful or unfair acts or practices
5 described herein at the Property and in the City of Los Angeles. Such orders should require
6 that physical and managerial improvements be made to the Property.

7 4. That, pursuant to Business and Professions Code section 17206, Defendants be
8 individually assessed a civil penalty of \$2,500 for each and every act of unfair competition.
9 Since Defendants engaged in a continuing nuisance, each day constitutes an act of unfair
10 competition and Defendants should each individually be assessed a civil penalty not to
11 exceed \$5,000,000 for those daily violations.

12 5. That, pursuant to the Court's equitable power and Business and Professions
13 Code section 17203, the Court make such orders or judgments, including any orders
14 authorizing the appointment of a receiver, to eliminate the unfair competition alleged herein.

15 AS TO ALL CAUSES OF ACTION

16 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
17 the service of process or notices which would have been paid but for Government Code
18 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
19 amount of the fees for certifying and preparing transcripts.

20 2. That Plaintiff be granted such other and further relief as the Court deems just
21 and proper.

22 DATED: March 29, 2019

Respectfully submitted,

23
24 MICHAEL N. FEUER, City Attorney
25 JONATHAN CRISTALL, Assistant City Attorney
26 LIORA FORMAN-ECHOLS, Asst. Superv. Deputy
27 City Attorney

28 By: 
 RAHI AZIZI, Deputy City Attorney
 Attorneys for Plaintiff, THE PEOPLE OF THE
 STATE OF CALIFORNIA